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10/579,079

05/11/2006

Koichiro Handa

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6936

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EXAMINER

NIESZ, JASON KAROL

ART UNIT

PAPER NUMBER

3751

NOTIFICATION DATE

DELIVERY MODE

01/26/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

| | | | |
|------------------------------|--------------------------------------|----------------------------------------|--|
| Office Action Summary | Application No. 10/579,079 | Applicant(s) HANDA, KOICHIRO | |
| | Examiner JASON K. NIESZ | Art Unit 3751 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9-15 is/are rejected.
- 7) ☒ Claim(s) 5-8 and 16-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>05/11/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 05/11/2006 was considered by the examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaisha (JP 54-6559), (provided by applicant) in view of Lang (US Patent 6,663,455).

In Re claims 1 and 10 with reference to Figure 1 Kaisha discloses a balloon comprising a body (21), a gas inlet (2), a check valve (6), a gas injecting cap (3) and a cord (12).

Kaisha doesn't disclose a metal balloon body, or a tube extending from one portion of the balloon.

Metallic balloons were commonly known in the art at the time the invention was made.

With reference to Figure 1 Lang discloses a balloon (10) comprising a tube extending from the portion of the balloon body which is closed at the free end and contains a gas inlet (18).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the Kaisha reference by manufacturing the balloons out of metal, since the selection of a preferred material requires only routine skill in the art. Furthermore, it would have been obvious to modify the Kaisha balloon by adding the fill tube from Lang, in order to provide a user with an additional area by which to hold the balloon.

In Re claim 2 with reference to Figure 2 Kaisha discloses a cap comprising a substantially cylindrical body, a gas injection port (3), and a cord winding portion (the point where cord 12 attaches). With reference to Figure 4 Kaisha discloses the cap serving as a finger gripping means.

In Re claim 3 with reference to Figure 2 Kaisha discloses planar end faces.

In Re claim 4 with reference to Figure 3 Kaisha discloses a seal (4).

In Re claim 9 with reference to Figure 1 Kaisha discloses a small-diameter portion for holding the tip end of a gas injector.

In Re claim 11 Kaisha discloses all the limitations, but doesn't disclose a balloon storage box.

Boxes were old and well known in the art at the time of the invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a storage box, in order to store said balloons until needed, Furthermore, one of ordinary skill in the art would recognize that the cap structures of Kaisha could be stacked as a way to organize the storage of the balloons which uses space efficiently.

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4. Claims 1-3, 10 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikemoto (US Patent 4,088,161) in view of Lang

In Re claims 1 and 10 with reference to Figure 6 Ikemoto discloses a balloon comprising a body (80), a gas inlet , a check valve (87), a gas injecting cap (90) and a cord (91).

Ikemoto doesn't disclose a metal balloon body, or a tube extending from one portion of the balloon.

Metallic balloons were commonly known in the art at the time the invention was made.

With reference to Figure 1 Lang discloses a balloon (10) comprising a tube extending from the portion of the balloon body which is closed at the free end and contains a gas inlet (18).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the Kaisha reference by manufacturing the Ikemoto balloons out of metal, since the selection of a preferred material requires only routine skill in the art. Furthermore, it would have been obvious to modify the Ikemoto balloon by adding the fill tube from Lang, in order to provide a user with an additional area by which to hold the balloon.

In Re claim 2 with reference to Figure 7 Ikemoto discloses a cap comprising a substantially cylindrical body, a gas injection port (84), and a cord winding portion (the point where cord 91 attaches). With reference to Figure 8 Kaisha discloses the cap serving as a finger gripping means.

In Re claim 3 with reference to Figure 7 Ikemoto discloses planar end faces.

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In Re claim 12 with reference to Figures 1-7 Ikemoto discloses a balloon vending machine comprising a balloon arranging means (30), a balloon selecting means (63), a balloon transfer means (33), a gas injection means (50), a balloon receiving means (13) and a balloon dispensing means (14).

Ikemoto doesn't disclose a control means. Computer controllers were old and well known in the art at the time the invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Ikemoto apparatus by adding a controller, in order to direct the balloon dispensing operation.

In Re claims 13 and 14 with reference to Figure 3 Ikemoto discloses a balloon arrangement means (30) which further comprises a storage means for the balloons (80) wherein said balloons are stored partially folded and stacked with their caps also stacked.

In Re claim 15 with reference to Figure 1 Ikemoto discloses a display panel (12) as well as selecting operation parts (16).

Allowable Subject Matter

5. Claims 5-8 and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON K. NIESZ whose telephone number is (571)270-3920. The examiner can normally be reached on mon-fri 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason K Niesz
Examiner
Art Unit 3751

/Gregory L. Huson/
Supervisory Patent Examiner, Art Unit 3751